

117TH CONGRESS
1ST SESSION

H. R. 4847

To amend the Federal Election Campaign Act of 1971 to treat certain foreign-owned corporations and business organizations as foreign nationals for purposes of the ban on campaign activity, to prohibit foreign-affiliated section 501(c)(4) organizations from making contributions to super PACs or disbursing funds for independent expenditures or electioneering communications, to amend the Foreign Agents Registration Act of 1938 to reform the procedures for the registration of agents of foreign principals under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Ms. PORTER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to treat certain foreign-owned corporations and business organizations as foreign nationals for purposes of the ban on campaign activity, to prohibit foreign-affiliated section 501(c)(4) organizations from making contributions to super PACs or disbursing funds for independent expenditures or electioneering communications, to amend the Foreign Agents Registration Act of 1938 to reform the procedures for the registration of agents of foreign principals under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Foreign Political Influence Elimination Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESTRICT FOREIGN AND DARK MONEY IN ELECTIONS

Sec. 101. Treatment of certain foreign-owned corporations and associations as
 foreign nationals for purposes of ban on campaign activity.

Sec. 102. Prohibiting foreign-affiliated section 501(c)(4) organizations from
 making certain election-related disbursements.

Sec. 103. Activities subject to ban.

Sec. 104. Prohibiting acceptance of contributions from foreign agents.

Sec. 105. Effective date.

TITLE II—REFORM OF FOREIGN AGENTS REGISTRATION ACT OF
 1938

Sec. 201. Repealing exemption from registration under Foreign Agents Reg-
 istration Act of 1938 for persons filing disclosure reports under
 Lobbying Disclosure Act of 1995.

Sec. 202. Conditions for exemption for persons providing legal representation.

Sec. 203. Filing and labeling of political propaganda.

Sec. 204. Treatment of informational materials.

Sec. 205. Promoting enforcement of registration requirements for foreign
 agents by authorizing Attorney General to issue civil investiga-
 tive demands.

Sec. 206. Foreign agents registration civil enforcement.

Sec. 207. Authorizing imposition and collection of registration fees.

Sec. 208. Establishment of FARA investigation and enforcement unit within
 Department of Justice.

Sec. 209. Comprehensive strategy to improve enforcement and administration.

Sec. 210. Analysis by Government Accountability Office.

Sec. 211. Definition.

Sec. 212. Effective date.

1 **TITLE I—RESTRICT FOREIGN**
2 **AND DARK MONEY IN ELEC-**
3 **TIONS**

4 **SEC. 101. TREATMENT OF CERTAIN FOREIGN-OWNED COR-**
5 **PORATIONS AND ASSOCIATIONS AS FOREIGN**
6 **NATIONALS FOR PURPOSES OF BAN ON CAM-**
7 **PAIGN ACTIVITY.**

8 Section 319(b) of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30121(b)) is amended to read as fol-
10 lows:

11 “(b) DEFINITION.—

12 “(1) IN GENERAL.—As used in this section, the
13 term ‘foreign national’ means—

14 “(A) an individual who is not a citizen of
15 the United States or a national of the United
16 States, as defined in section 101(a)(22) of the
17 Immigration and Nationality Act (8 U.S.C.
18 1101(a)(22)), and who is not lawfully admitted
19 for permanent residence, as defined by section
20 101(a)(20) of such Act (8 U.S.C. 1101(a)(20);

21 “(B) a person outside of the United
22 States, unless it is established that such person
23 is an individual who is a citizen of the United
24 States, or that such person is not an individual
25 and is organized under or created by the laws

1 of the United States or of any State or other
2 place subject to the jurisdiction of the United
3 States and has its principal place of business
4 within the United States;

5 “(C) a government of a foreign country or
6 an official of the government of a foreign coun-
7 try, as defined in section 1(e) of the Foreign
8 Agents Registration Act of 1938 (22 U.S.C.
9 611(e)), a foreign political party, as defined in
10 section 1(f) of such Act (22 U.S.C. 611(f)), or
11 a corporation principally owned or controlled by
12 the government of a foreign country or an offi-
13 cial of the government of a foreign country, in-
14 cluding a separate segregated fund of such a
15 corporation under section 316;

16 “(D) a corporation (other than a corpora-
17 tion described in subparagraph (C)), partner-
18 ship, association, organization, or other com-
19 bination of persons organized under the laws of
20 or having its principal place of business in a
21 foreign country, including a separate segregated
22 fund of such a corporation under section 316;

23 “(E) a corporation in which one or more
24 foreign nationals described in subparagraph (C)
25 holds, owns, controls, or otherwise has directly

1 or indirectly acquired beneficial ownership of
2 equity or voting shares in an aggregate amount
3 equal to or greater than 5 percent of total eq-
4 uity or outstanding voting shares (as deter-
5 mined by excluding any equity or shares owned
6 by a mutual fund), including a separate seg-
7 regated fund of such a corporation under sec-
8 tion 316; or

9 “(F) a corporation in which one or more
10 foreign nationals (other than those described in
11 subparagraph (C)) holds, owns, controls, or oth-
12 erwise has directly or indirectly acquired bene-
13 ficial ownership of equity or voting shares in an
14 aggregate amount equal to or greater than 20
15 percent of total equity or outstanding voting
16 shares (as determined by excluding any equity
17 or shares owned by a mutual fund), including
18 a separate segregated fund of such a corpora-
19 tion.

20 “(2) USE OF QUARTERLY SEC REPORTS.—In
21 the case of a corporation which is required to file
22 quarterly reports with the Securities and Exchange
23 Commission under section 13 of the Securities Ex-
24 change Act of 1934 (15 U.S.C. 78m), the deter-
25 mination as to whether a corporation is described in

1 subparagraph (D), (E), or (F) shall be based on the
 2 most recent such report.”.

3 **SEC. 102. PROHIBITING FOREIGN-AFFILIATED SECTION**
 4 **501(c)(4) ORGANIZATIONS FROM MAKING CER-**
 5 **TAIN ELECTION-RELATED DISBURSEMENTS.**

6 Title III of the Federal Election Campaign Act of
 7 1971 (52 U.S.C. 30101 et seq.) is amended by adding at
 8 the end the following new section:

9 **“SEC. 325. PROHIBITION ON CERTAIN ELECTION-RELATED**
 10 **DISBURSEMENTS BY FOREIGN-AFFILIATED**
 11 **SECTION 501(c)(4) ORGANIZATIONS.**

12 “(a) PROHIBITION.—It is unlawful for a foreign-af-
 13 filiated section 501(c)(4) organization to make an election-
 14 related disbursement described in subsection (b).

15 “(b) ELECTION-RELATED DISBURSEMENT DE-
 16 SCRIBED.—An election-related disbursement described in
 17 this subsection is any of the following:

18 “(1) A contribution to a super PAC.

19 “(2) An independent expenditure.

20 “(3) The disbursement of funds for the dissemi-
 21 nation of an electioneering communication.

22 “(c) DEFINITION OF FOREIGN-AFFILIATED SECTION
 23 501(c)(4) ORGANIZATION.—In this section, a ‘foreign-af-
 24 filiated section 501(c)(4) organization’ is a section
 25 501(c)(4) organization with respect to which—

1 “(1) the amount of contributions provided to
2 the organization by foreign nationals described in
3 subparagraph (C) of section 319(b)(1) was equal to
4 or greater than 5 percent of the gross receipts of the
5 organization, as determined on the basis of the most
6 recent taxable year for which information on the
7 gross receipts of the organization is available or, in
8 the case of an organization which is required to file
9 quarterly reports with the Securities and Exchange
10 Commission under section 13 of the Securities Ex-
11 change Act of 1934 (15 U.S.C. 78m), the most re-
12 cent such report, or

13 “(2) the amount of contributions provided to
14 the organization by all foreign nationals described in
15 section 319(b) was equal to or greater than 20 per-
16 cent of the gross receipts of the organization, as de-
17 termined on the basis of the most recent taxable
18 year for which information on the gross receipts of
19 the organization is available or, in the case of an or-
20 ganization which is required to file quarterly reports
21 with the Securities and Exchange Commission under
22 section 13 of the Securities Exchange Act of 1934
23 (15 U.S.C. 78m), the most recent such report.

24 “(d) OTHER DEFINITIONS.—In this section—

1 “(1) the term ‘electioneering communication’
 2 has the meaning given such term in section
 3 304(f)(3);

4 “(2) the term ‘section 501(c)(4) organization’
 5 means an organization described in section 501(c)(4)
 6 of the Internal Revenue Code of 1986 and exempt
 7 from taxation under section 501(a) of such Code;
 8 and

9 “(3) term ‘super PAC’ means a political com-
 10 mittee which accepts donations or contributions that
 11 do not comply with the limitations and prohibitions
 12 of this Act (or has an account which is established
 13 for the purpose of accepting such donations or con-
 14 tributions) and which makes only independent ex-
 15 penditures (or has an account which is established
 16 for the purpose of making only independent expendi-
 17 tures).”.

18 **SEC. 103. ACTIVITIES SUBJECT TO BAN.**

19 (a) CONTRIBUTIONS AND DONATIONS IN CONNEC-
 20 TION WITH BALLOT INITIATIVES AND REFERENDA.—
 21 Section 319(a)(1)(A) of the Federal Election Campaign
 22 Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is amended by
 23 striking “election;” and inserting the following: “election,
 24 including a State or local ballot initiative or referendum;”.

1 (b) COVERAGE OF CERTAIN ELECTION-RELATED AC-
 2 TIVITIES.—Section 319 of such Act (52 U.S.C. 30121) is
 3 amended by adding at the end the following new sub-
 4 section:

5 “(c) A foreign national shall not direct, dictate, con-
 6 trol, or directly or indirectly participate in the decision-
 7 making process of any person with regard to such person’s
 8 Federal or non-Federal election-related activities, such as
 9 decisions concerning the making of contributions or ex-
 10 penditures in connection with elections for any local,
 11 State, or Federal office or decisions concerning the admin-
 12 istration of a political committee.”.

13 **SEC. 104. PROHIBITING ACCEPTANCE OF CONTRIBUTIONS**
 14 **FROM FOREIGN AGENTS.**

15 Section 315 of the Federal Election Campaign Act
 16 of 1971 (52 U.S.C. 30116) is amended by adding at the
 17 end the following new subsection:

18 “(k) PROHIBITING ACCEPTANCE OF CONTRIBUTIONS
 19 FROM FOREIGN AGENTS.—

20 “(1) DIRECT CONTRIBUTIONS.—A political
 21 committee may not accept any contribution from an
 22 individual who, at the time the date the individual
 23 makes the contribution, is registered as the agent of
 24 a foreign principal under the Foreign Agents Reg-
 25 istration Act of 1938 (22 U.S.C. 611 et seq.).

1 “(2) BUNDLED CONTRIBUTIONS.—

2 “(A) PROHIBITION.—A political committee
3 may not accept any bundled contribution which
4 is provided by an individual who, at the time
5 the individual provides the bundled contribu-
6 tion, is registered as the agent of a foreign
7 principal under the Foreign Agents Registration
8 Act of 1938 (22 U.S.C. 611 et seq.).

9 “(B) DEFINITION.—In this paragraph, the
10 term ‘bundled contribution’ means, with respect
11 to an individual described in subparagraph (A),
12 a contribution which is—

13 “(i) forwarded from the contributor or
14 contributors to the committee by the indi-
15 vidual; or

16 “(ii) received by the committee from a
17 contributor or contributors, but credited by
18 the committee or candidate involved (or, in
19 the case of a leadership PAC described in
20 subparagraph (B) of subsection (j)(8), by
21 the individual referred to in such subpara-
22 graph) to the individual through records,
23 designations, or other means of recognizing
24 that a certain amount of money has been
25 raised by the individual.”.

1 **SEC. 105. EFFECTIVE DATE.**

2 The amendments made by this title shall apply with
3 respect to elections occurring after January 2021.

4 **TITLE II—REFORM OF FOREIGN**
5 **AGENTS REGISTRATION ACT**
6 **OF 1938**

7 **SEC. 201. REPEALING EXEMPTION FROM REGISTRATION**
8 **UNDER FOREIGN AGENTS REGISTRATION**
9 **ACT OF 1938 FOR PERSONS FILING DISCLO-**
10 **SURE REPORTS UNDER LOBBYING DISCLO-**
11 **SURE ACT OF 1995.**

12 (a) REPEAL OF EXEMPTION.—Section 3 of the For-
13 eign Agents Registration Act of 1938 (22 U.S.C. 613) is
14 amended by striking subsection (h).

15 (b) TIMING OF FILING OF REGISTRATION STATE-
16 MENTS.—Section 2 of the Foreign Agents Registration
17 Act of 1938 (22 U.S.C. 612) is amended—

18 (1) in subsection (a), in the matter preceding
19 paragraph (1), in the fourth sentence, by striking
20 “The registration statement shall include” and in-
21 serting “Except as provided in subsection (h), the
22 registration statement shall include”; and

23 (2) by adding at the end the following:

24 “(h) TIMING FOR FILING OF STATEMENTS BY PER-
25 SONS REGISTERED UNDER LOBBYING DISCLOSURE ACT
26 OF 1995.—In the case of an agent of a person described

1 in section 1(b)(2) or an entity described in section 1(b)(3)
 2 who has registered under the Lobbying Disclosure Act of
 3 1995 (2 U.S.C. 1601 et seq.), after the agent files the
 4 first registration required under subsection (a) in connec-
 5 tion with the agent's representation of such person or enti-
 6 ty, the agent shall file all subsequent statements required
 7 under this section at the same time, and in the same fre-
 8 quency, as the reports filed with the Clerk of the House
 9 of Representatives or the Secretary of the Senate (as the
 10 case may be) under section 5 of the Lobbying Disclosure
 11 Act of 1995 (2 U.S.C. 1604) in connection with the
 12 agent's representation of such person or entity.”.

13 **SEC. 202. CONDITIONS FOR EXEMPTION FOR PERSONS**
 14 **PROVIDING LEGAL REPRESENTATION.**

15 Section 3(g) of the Foreign Agents Registration Act
 16 of 1938 (22 U.S.C. 613(g)) is amended by adding at the
 17 end the following: “A person may be exempt under this
 18 subsection only if the person files with the Attorney Gen-
 19 eral a request for such exemption and the Attorney Gen-
 20 eral approves the request.”.

21 **SEC. 203. FILING AND LABELING OF POLITICAL PROPAGANDA.**
 22

23 Section 4(a) of the Foreign Agents Registration Act
 24 of 1938 (22 U.S.C. 614(a)) is amended—

1 (1) by striking “or circulated among two or
2 more persons” and inserting “to any other person”;
3 and

4 (2) by striking the period at the end and insert-
5 ing the following: “, together with the name of each
6 original recipient of the materials and the date on
7 which the materials were transmitted.”.

8 **SEC. 204. TREATMENT OF INFORMATIONAL MATERIALS.**

9 (a) DEFINITION.—Section 1 of the Foreign Agents
10 Registration Act of 1938 (22 U.S.C. 611) is amended—

11 (1) in subsection (c), in the matter preceding
12 paragraph (1), by striking “Expect” and inserting
13 “Except”; and

14 (2) by inserting after subsection (i) the fol-
15 lowing:

16 “(j) The term ‘informational materials’ means any
17 oral, visual, graphic, written, or pictorial information or
18 matter of any kind, including matter published by means
19 of advertising, books, periodicals, newspapers, lectures,
20 broadcasts, motion pictures, social media, or any means
21 or instrumentality of interstate or foreign commerce or
22 otherwise.”.

23 (b) CONFORMING AMENDMENT RELATING TO FILING
24 OF INFORMATIONAL MATERIALS WITH ATTORNEY GEN-
25 ERAL.—Section 4(a) of such Act (22 U.S.C. 614(a)) is

1 amended by striking “or foreign commerce” and inserting
2 “or foreign commerce, including electronic mail and social
3 media,”.

4 (c) WAIVER OF FILING REQUIREMENT FOR UNRE-
5 LATED MATERIALS.—Section 4(a) of such Act (22 U.S.C.
6 614(a)) is amended—

7 (1) by striking “Every person” and inserting
8 “(1) Every person”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(2) Paragraph (1) does not apply with respect to
12 any informational material which is disseminated by an
13 agent of a foreign principal as part of an activity that is
14 exempt from registration under this Act, or as part of an
15 activity which by itself would not require registration
16 under this Act.”.

17 (d) METHOD AND FORM OF DISCLAIMER FOR MATE-
18 RIALS POSTED ONLINE; PRESERVATION OF DISCLAIMERS
19 BY CERTAIN SOCIAL MEDIA PLATFORMS.—Section 4(b)
20 of such Act (22 U.S.C. 614(b)) is amended—

21 (1) by striking “(b) It shall be unlawful” and
22 inserting “(b)(1) It shall be unlawful”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(2) In the case of informational materials for or in
2 the interests of a foreign principal which are transmitted
3 or caused to be transmitted by an agent of a foreign prin-
4 cipal by posting on an online platform, the agent shall en-
5 sure that the conspicuous statement required to be placed
6 in such materials under this subsection is placed directly
7 with the material posted on the platform and is not acces-
8 sible only through a hyperlink or other reference to an-
9 other source.

10 “(3) If the Attorney General determines that the ap-
11 plication of paragraph (2) to materials posted on an online
12 platform is not feasible because the length of the con-
13 spicuous statement required to be placed in materials
14 under this subsection makes the inclusion of the entire
15 statement incompatible with the posting of the materials
16 on that platform, an agent may meet the requirements of
17 paragraph (2) by ensuring that an abbreviated version of
18 the statement, stating that the materials are distributed
19 by a foreign agent on behalf of a clearly identified foreign
20 principal, is placed directly with the material posted on
21 the platform.

22 “(4) An online platform on which informational mate-
23 rials described in paragraph (2) are posted shall ensure
24 that the conspicuous statement described in such para-
25 graph (or, if applicable, the abbreviated statement de-

1 scribed in paragraph (3)) is maintained with such mate-
 2 rials at all times, including after the material is shared
 3 in a social media post on the platform, but only if the
 4 platform has 50,000,000 or more unique monthly United
 5 States visitors or users for a majority of months during
 6 the 12 months preceding the dissemination of the mate-
 7 rials.”.

8 **SEC. 205. PROMOTING ENFORCEMENT OF REGISTRATION**
 9 **REQUIREMENTS FOR FOREIGN AGENTS BY**
 10 **AUTHORIZING ATTORNEY GENERAL TO ISSUE**
 11 **CIVIL INVESTIGATIVE DEMANDS.**

12 The Foreign Agents Registration Act of 1938 (22
 13 U.S.C. 611 et seq.) is amended by redesignating sections
 14 12 through 14 as sections 13 through 15 and by inserting
 15 after section 11 the following new section:

16 **“SEC. 12. CIVIL INVESTIGATIVE DEMANDS.**

17 **“(a) AUTHORITY OF ATTORNEY GENERAL.—**

18 **“(1) AUTHORITY DESCRIBED.—**Whenever the
 19 Attorney General or the Attorney General’s designee
 20 has reason to believe that any person may be in pos-
 21 session, custody, or control of any documentary ma-
 22 terial, or may have any information, relevant to an
 23 investigation under this Act, the Attorney General or
 24 designee may, prior to the institution of a civil or
 25 criminal proceeding by the United States thereon,

1 issue in writing, and cause to be served upon such
2 person, a civil investigative demand requiring such
3 person to produce such documentary material for in-
4 spection and copying or reproduction, to answer in
5 writing written interrogatories with respect to such
6 documentary material or information, to give oral
7 testimony concerning such documentary material or
8 information, or to furnish any combination of such
9 material, answers, or testimony. Whenever a civil in-
10 vestigative demand is an express demand for any
11 product of discovery, the Attorney General or des-
12 ignee shall cause to be served, in any manner au-
13 thorized by this section, a copy of such demand upon
14 the person from whom the discovery was obtained
15 and notify the person to whom such demand is
16 issued of the date on which such copy was served.

17 “(2) LIMITING INDIVIDUALS WHO MAY SERVE
18 AS DESIGNEES.—The Attorney General may not des-
19 ignate any individual other than the Assistant Attor-
20 ney General for National Security or a Deputy At-
21 torney General to carry out the authority provided
22 under this section.

23 “(b) CONTENTS AND DEADLINES.—

24 “(1) IN GENERAL.—Each demand issued under
25 subsection (a) shall—

1 “(A) state the nature of the conduct con-
2 stituting the alleged violation of this Act which
3 is under investigation and the provision of this
4 Act alleged to be violated;

5 “(B) if such demand is for the production
6 of documentary material—

7 “(i) describe each class of documen-
8 tary material to be produced with such
9 definiteness and certainty as to permit
10 such material to be fairly identified;

11 “(ii) prescribe a return date for each
12 such class which will provide a reasonable
13 period of time within which the material so
14 demanded may be assembled and made
15 available for inspection and copying or re-
16 production; and

17 “(iii) identify the custodian to whom
18 such material shall be made available;

19 “(C) if such demand is for answers to writ-
20 ten interrogatories—

21 “(i) set forth with specificity the writ-
22 ten interrogatories to be answered;

23 “(ii) prescribe dates at which time an-
24 swers to written interrogatories shall be
25 submitted; and

1 “(iii) identify the custodian to whom
2 such answers shall be submitted; and

3 “(D) if such demand is for the giving of
4 oral testimony—

5 “(i) prescribe a date, time, and place
6 at which oral testimony shall be com-
7 menced;

8 “(ii) identify an investigator who shall
9 conduct the examination and the custodian
10 to whom the transcript of such examina-
11 tion shall be submitted;

12 “(iii) specify that such attendance and
13 testimony are necessary to the conduct of
14 the investigation;

15 “(iv) notify the person receiving the
16 demand of the right to be accompanied by
17 an attorney and any other representative;
18 and

19 “(v) describe the general purpose for
20 which the demand is being issued and the
21 general nature of the testimony, including
22 the primary areas of inquiry, which will be
23 taken pursuant to the demand.

24 “(2) PRODUCT OF DISCOVERY.—Any civil inves-
25 tigative demand issued under this section which is

1 an express demand for any product of discovery
2 shall not be returned or returnable until 20 days
3 after a copy of such demand has been served upon
4 the person from whom the discovery was obtained.

5 “(3) DATE.—The date prescribed for the com-
6 mencement of oral testimony pursuant to a civil in-
7 vestigative demand issued under subsection (a) shall
8 be a date which is not less than 7 days after the
9 date on which demand is received, unless the Attor-
10 ney General or the Attorney General’s designee de-
11 termines that exceptional circumstances are present
12 which warrant the commencement of such testimony
13 within a lesser period of time.

14 “(4) NOTIFICATION.—The Attorney General
15 shall not authorize the issuance under this section of
16 more than one civil investigative demand for oral
17 testimony by the same person unless the person re-
18 quests otherwise or unless the Attorney General,
19 after investigation, notifies that person in writing
20 that an additional demand for oral testimony is nec-
21 essary.

22 “(c) PROTECTED MATERIAL OR INFORMATION.—

23 “(1) IN GENERAL.—A civil investigative de-
24 mand issued under subsection (a) may not require
25 the production of any documentary material, the

1 submission of any answers to written interrogatories,
2 or the giving of any oral testimony if such material,
3 answers, or testimony would be protected from dis-
4 closure under—

5 “(A) the standards applicable to subpoenas
6 or subpoenas duces tecum issued by a court of
7 the United States in aid of a grand jury inves-
8 tigation; or

9 “(B) the standards applicable to discovery
10 requests under the Federal Rules of Civil Pro-
11 cedure, to the extent that the application of
12 such standards to any such demand is appro-
13 priate and consistent with the provisions and
14 purposes of this Act.

15 “(2) EFFECT ON OTHER ORDERS, RULES, AND
16 LAWS.—Any such demand which is an express de-
17 mand for any product of discovery supersedes any
18 inconsistent order, rule, or provision of law (other
19 than this Act) preventing or restraining disclosure of
20 such product of discovery to any person. Disclosure
21 of any product of discovery pursuant to any such ex-
22 press demand does not constitute a waiver of any
23 right or privilege, including without limitation any
24 right or privilege which may be invoked to resist dis-

1 covery of trial preparation materials, to which the
2 person making such disclosure may be entitled.

3 “(d) SERVICE; JURISDICTION.—

4 “(1) BY WHOM SERVED.—Any civil investiga-
5 tive demand issued under subsection (a) may be
6 served by an appropriate investigator, or by a
7 United States marshal or deputy marshal, at any
8 place within the territorial jurisdiction of any court
9 of the United States.

10 “(2) SERVICE IN FOREIGN NATIONS.—Any such
11 demand or petition filed under subsection (k) may
12 be served upon any person who is not to be found
13 within the territorial jurisdiction of any court of the
14 United States, in such manner as the Federal Rules
15 of Civil Procedure prescribe for service in a foreign
16 country. To the extent that the courts of the United
17 States can assert jurisdiction over any such person
18 consistent with due process, the United States Dis-
19 trict Court for the District of Columbia shall have
20 the same jurisdiction to take any action respecting
21 compliance with this Act by any such person that
22 such court would have if such person were personally
23 within the jurisdiction of such court.

24 “(e) SERVICE UPON LEGAL ENTITIES AND NATURAL
25 PERSONS.—

1 “(1) LEGAL ENTITIES.—Service of any civil in-
2 vestigative demand issued under subsection (a) or of
3 any petition filed under subsection (k) may be made
4 upon a partnership, corporation, association, or
5 other legal entity by—

6 “(A) delivering a duly executed copy of
7 such demand or petition to any partner, execu-
8 tive officer, managing agent, or general agent
9 of the partnership, corporation, association, or
10 entity, or to any agent thereof authorized by
11 appointment or by law to receive service of
12 process on behalf of such partnership, corpora-
13 tion, association, or entity;

14 “(B) delivering a duly executed copy of
15 such demand or petition to the principal office
16 or place of business of the partnership, corpora-
17 tion, association, or entity to be served; or

18 “(C) depositing an executed copy of such
19 demand or petition in the United States mails
20 by registered or certified mail, with a return re-
21 ceipt requested, duly addressed to such partner-
22 ship, corporation, association, or entity at its
23 principal office or place of business.

1 “(2) NATURAL PERSONS.—Service of any such
2 demand or petition may be made upon any natural
3 person by—

4 “(A) delivering a duly executed copy of
5 such demand or petition to the person to be
6 served; or

7 “(B) depositing an executed copy of such
8 demand or petition in the United States mails
9 by registered or certified mail, with a return re-
10 ceipt requested, duly addressed to such person
11 at the person’s residence or principal office or
12 place of business.

13 “(f) PROOF OF SERVICE.—A verified return by the
14 individual serving any civil investigative demand under
15 subsection (a) or any petition filed under subsection (k)
16 setting forth the manner of such service shall be proof of
17 such service. In the case of service by registered or cer-
18 tified mail, such return shall be accompanied by the return
19 post office receipt of delivery of such demand.

20 “(g) DOCUMENTARY MATERIAL.—

21 “(1) SWORN CERTIFICATES.—The production of
22 documentary material in response to a civil inves-
23 tigative demand served pursuant to this section shall
24 be made under a sworn certificate, in such form as
25 the demand designates, by—

1 “(A) in the case of a natural person, the
2 person to whom the demand is directed; or

3 “(B) in the case of a person other than a
4 natural person, a person having knowledge of
5 the facts and circumstances relating to such
6 production and authorized to act on behalf of
7 such person,

8 to the effect that all of the documentary material re-
9 quired by the demand and in the possession, cus-
10 tody, or control of the person to whom the demand
11 is directed has been produced and made available to
12 the custodian.

13 “(2) PRODUCTION OF MATERIALS.—Any person
14 upon whom any civil investigative demand for the
15 production of documentary material has been served
16 under this section shall make such material available
17 for inspection and copying to the investigator identi-
18 fied in such demand at the principal place of busi-
19 ness of such person, or at such other place as the
20 investigator and the person thereafter may agree
21 and prescribe in writing, or as the court may direct
22 under subsection (k)(1). Such material shall be
23 made so available on the return date specified in
24 such demand, or on such later date as the investi-
25 gator may prescribe in writing. Such person may,

1 upon written agreement between the person and the
2 investigator, substitute copies for originals of all or
3 any part of such material.

4 “(h) INTERROGATORIES.—

5 “(1) ANSWERS.—Each interrogatory in a civil
6 investigative demand served pursuant to this section
7 shall be answered separately and fully in writing
8 under oath, and it shall be submitted under a sworn
9 certificate, in such form as the demand designates,
10 by—

11 “(A) in the case of a natural person, the
12 person to whom the demand is directed; or

13 “(B) in the case of a person other than a
14 natural person, the person or persons respon-
15 sible for answering each interrogatory.

16 “(2) CONTENTS OF CERTIFICATES.—The cer-
17 tificate submitted under paragraph (1) shall state
18 that all information required by the demand and in
19 the possession, custody, control, or knowledge of the
20 person to whom the demand is directed has been
21 submitted. To the extent that any information is not
22 furnished, the information shall be identified and
23 reasons set forth with particularity regarding the
24 reasons why the information was not furnished.

1 “(3) OBJECTIONS.—If any interrogatory is ob-
2 jected to, the reasons for the objection shall be stat-
3 ed in the certificate instead of an answer.

4 “(i) ORAL EXAMINATIONS.—

5 “(1) PROCEDURES.—The examination of any
6 person pursuant to a civil investigative demand for
7 oral testimony served under this section shall be
8 taken before an officer authorized to administer
9 oaths and affirmations by the laws of the United
10 States or of the place where the examination is held.
11 The officer before whom the testimony is to be taken
12 shall put the witness on oath or affirmation and
13 shall personally, or by someone acting under the di-
14 rection of the officer and in the officer’s presence,
15 record the testimony of the witness. The testimony
16 shall be taken stenographically and transcribed.
17 When the testimony is fully transcribed, the officer
18 before whom the testimony is taken shall promptly
19 transmit a copy of the transcript of the testimony to
20 the custodian. This subsection shall not preclude the
21 taking of testimony by any means authorized by,
22 and in a manner consistent with, the Federal Rules
23 of Civil Procedure.

24 “(2) PERSONS PRESENT.—The investigator
25 conducting the examination shall exclude from the

1 place where the examination is held all persons ex-
2 cept the person giving the testimony, the attorney
3 for and any other representative of the person giving
4 the testimony, the attorney for the Government, any
5 person who may be agreed upon by the attorney for
6 the Government and the person giving the testi-
7 mony, the officer before whom the testimony is to be
8 taken, and any stenographer taking such testimony.

9 “(3) WHERE TESTIMONY TAKEN.—The oral
10 testimony of any person taken pursuant to a civil in-
11 vestigative demand served under this section shall be
12 taken in the judicial district of the United States
13 within which such person resides, is found, or trans-
14 acts business, or in such other place as may be
15 agreed upon by the investigator conducting the ex-
16 amination and such person.

17 “(4) TRANSCRIPT OF TESTIMONY.—When the
18 testimony is fully transcribed, the investigator or the
19 officer before whom the testimony is taken shall af-
20 ford the witness (who may be accompanied by coun-
21 sel) a reasonable opportunity to examine and read
22 the transcript, unless such examination and reading
23 are waived by the witness. Any changes in form or
24 substance which the witness desires to make shall be
25 entered and identified upon the transcript by the of-

1 ficer or the investigator with a statement of the rea-
2 sons given by the witness for making such changes.
3 The transcript shall then be signed by the witness,
4 unless the witness in writing waives the signing, is
5 ill, cannot be found, or refuses to sign. If the tran-
6 script is not signed by the witness within 30 days
7 after being afforded a reasonable opportunity to ex-
8 amine it, the officer or the investigator shall sign it
9 and state on the record the fact of the waiver, ill-
10 ness, absence of the witness, or the refusal to sign,
11 together with the reason, if any, given therefor.

12 “(5) CERTIFICATION AND DELIVERY TO CUSTO-
13 DIAN.—The officer before whom the testimony is
14 taken shall certify on the transcript that the witness
15 was duly sworn by the officer and that the transcript
16 is a true record of the testimony given by the wit-
17 ness, and the officer or investigator shall promptly
18 deliver it or send it by registered or certified mail to
19 the custodian.

20 “(6) FURNISHING OR INSPECTION OF TRAN-
21 SCRIPT BY WITNESS.—Upon payment of reasonable
22 charges therefor, the investigator shall furnish a
23 copy of the transcript to the witness only, except
24 that the Attorney General, or the Attorney General’s
25 designee in accordance with this Act, may for good

1 cause limit such witness to inspection of the official
2 transcript of the witness's testimony.

3 “(7) CONDUCT OF ORAL TESTIMONY.—

4 “(A) IN GENERAL.—Any person compelled
5 to appear for oral testimony under a civil inves-
6 tigative demand issued under subsection (a)
7 may be accompanied, represented, and advised
8 by counsel. Counsel may advise such person, in
9 confidence, with respect to any question asked
10 of such person. Such person or counsel may ob-
11 ject on the record to any question, in whole or
12 in part, and shall briefly state for the record
13 the reason for the objection. An objection may
14 be made, received, and entered upon the record
15 when it is claimed that such person is entitled
16 to refuse to answer the question on the grounds
17 of any constitutional or other legal right or
18 privilege, including the privilege against self-in-
19 crimination. Such person may not otherwise ob-
20 ject to or refuse to answer any question, and
21 may not directly or through counsel otherwise
22 interrupt the oral examination. If such person
23 refuses to answer any question, a petition may
24 be filed in the district court of the United
25 States under subsection (k)(1) for an order

1 compelling such person to answer such ques-
2 tion.

3 “(B) COMPELLED TESTIMONY.—If such
4 person refuses to answer any question on the
5 grounds of the privilege against self-incrimina-
6 tion, the testimony of such person may be com-
7 pelled in accordance with the provisions of part
8 V of title 18, United States Code.

9 “(8) WITNESS FEES AND ALLOWANCES.—Any
10 person appearing for oral testimony under a civil in-
11 vestigative demand issued under subsection (a) shall
12 be entitled to the same fees and allowances which
13 are paid to witnesses in the district courts of the
14 United States.

15 “(j) CUSTODIANS OF DOCUMENTS, ANSWERS, AND
16 TRANSCRIPTS.—

17 “(1) DESIGNATION.—The Attorney General, or
18 designee in accordance with this Act, shall designate
19 an investigator to serve as custodian of documentary
20 material, answers to interrogatories, and transcripts
21 of oral testimony received under this section, and
22 shall designate such additional investigators as the
23 Attorney General determines from time to time to be
24 necessary to serve as deputies of the custodian.

1 “(2) RESPONSIBILITY FOR MATERIALS; DISCLO-
2 SURE.—

3 “(A) IN GENERAL.—An investigator who
4 receives any documentary material, answers to
5 interrogatories, or transcripts of oral testimony
6 under this section shall transmit them to the
7 custodian. The custodian shall take physical
8 possession of such material, answers, or tran-
9 scripts and shall be responsible for the use
10 made of them and for the return of documen-
11 tary material under paragraph (4).

12 “(B) PREPARATION.—The custodian may
13 cause the preparation of such copies of such
14 documentary material, answers to interrog-
15 atories, or transcripts of oral testimony as may
16 be required for official use by any investigator,
17 or other officer or employee of the Department
18 of Justice. Such material, answers, and tran-
19 scripts may be used by any such authorized in-
20 vestigator or other officer or employee in con-
21 nection with the taking of oral testimony under
22 this section.

23 “(C) NO EXAMINATION.—Except as other-
24 wise provided in this subsection, no documen-
25 tary material, answers to interrogatories, or

1 transcripts of oral testimony, or copies thereof,
2 while in the possession of the custodian, shall
3 be available for examination by any individual
4 other than an investigator or other officer or
5 employee of the Department of Justice author-
6 ized under subparagraph (B). The prohibition
7 in the preceding sentence on the availability of
8 material, answers, or transcripts shall not apply
9 if consent is given by the person who produced
10 such material, answers, or transcripts, or, in
11 the case of any product of discovery produced
12 pursuant to an express demand for such mate-
13 rial, consent is given by the person from whom
14 the discovery was obtained. Nothing in this sub-
15 paragraph is intended to prevent disclosure to
16 the Congress, including any committee or sub-
17 committee of the Congress, or to any other
18 agency of the United States for use by such
19 agency in furtherance of its statutory respon-
20 sibilities.

21 “(D) EXAMINATION BY CERTAIN PER-
22 SONS.—While in the possession of the custodian
23 and under such reasonable terms and conditions
24 as the Attorney General shall prescribe—

1 “(i) documentary material and an-
2 swers to interrogatories shall be available
3 for examination by the person who pro-
4 duced such material or answers, or by a
5 representative of that person authorized by
6 that person to examine such material and
7 answers; and

8 “(ii) transcripts of oral testimony
9 shall be available for examination by the
10 person who produced such testimony, or by
11 a representative of that person authorized
12 by that person to examine such transcripts.

13 “(3) USE OF MATERIAL, ANSWERS, OR TRAN-
14 SCRIPTS IN OTHER PROCEEDINGS.—Whenever any
15 attorney of the Department of Justice has been des-
16 ignated to appear before any court, grand jury, or
17 Federal agency in any case or proceeding, the custo-
18 dian of any documentary material, answers to inter-
19 rogatories, or transcripts of oral testimony received
20 under this section may deliver to such attorney such
21 material, answers, or transcripts for official use in
22 connection with any such case or proceeding as such
23 attorney determines to be required. Upon the com-
24 pletion of any such case or proceeding, such attorney
25 shall return to the custodian any such material, an-

1 swers, or transcripts so delivered which have not
2 passed into the control of such court, grand jury, or
3 agency through the introduction thereof into the
4 record of such case or proceeding.

5 “(4) CONDITIONS FOR RETURN OF MATE-
6 RIAL.—If any documentary material has been pro-
7 duced by any person in the course of any investiga-
8 tion pursuant to a civil investigative demand under
9 this section, and—

10 “(A) any case or proceeding before the
11 court or grand jury arising out of such inves-
12 tigation, or any proceeding before any Federal
13 agency involving such material, has been com-
14 pleted; or

15 “(B) no case or proceeding in which such
16 material may be used has been commenced
17 within a reasonable time after completion of the
18 examination and analysis of all documentary
19 material and other information assembled in
20 the course of such investigation,

21 the custodian shall, upon written request of the per-
22 son who produced such material, return to such per-
23 son any such material (other than copies furnished
24 to the investigator under subsection (g)(2) or made
25 for the Department of Justice under paragraph

1 (2)(B)) which has not passed into the control of any
2 court, grand jury, or agency through introduction
3 into the record of such case or proceeding.

4 “(5) APPOINTMENT OF SUCCESSOR
5 CUSTODIANS.—

6 “(A) IN GENERAL.—In the event of the
7 death, disability, or separation from service in
8 the Department of Justice of the custodian of
9 any documentary material, answers to interrog-
10 atories, or transcripts of oral testimony pro-
11 duced pursuant to a civil investigative demand
12 under this section, or in the event of the official
13 relief of such custodian from responsibility for
14 the custody and control of such material, an-
15 swers, or transcripts, the Attorney General or
16 the Attorney General’s designee in accordance
17 with this Act shall promptly—

18 “(i) designate another investigator to
19 serve as custodian of such material, an-
20 swers, or transcripts; and

21 “(ii) transmit in writing to the person
22 who produced such material, answers, or
23 testimony notice of the identity and ad-
24 dress of the successor so designated.

1 “(B) SUCCESSOR.—Any person who is des-
2 ignated to be a successor under this paragraph
3 shall have, with regard to such material, an-
4 swers, or transcripts, the same duties and re-
5 sponsibilities as were imposed by this section
6 upon that person’s predecessor in office, except
7 that the successor shall not be held responsible
8 for any default or dereliction which occurred be-
9 fore that designation.

10 “(k) JUDICIAL PROCEEDINGS.—

11 “(1) PETITION FOR ENFORCEMENT.—Whenever
12 any person fails to comply with any civil investiga-
13 tive demand issued under subsection (a), or when-
14 ever satisfactory copying or reproduction of any ma-
15 terial requested in such demand cannot be done and
16 such person refuses to surrender such material, the
17 Attorney General may file, in the district court of
18 the United States for any judicial district in which
19 such person resides, is found, or transacts business,
20 and serve upon such person a petition for an order
21 of such court for the enforcement of the civil inves-
22 tigative demand.

23 “(2) PETITION TO MODIFY OR SET ASIDE DE-
24 MAND.—

1 “(A) IN GENERAL.—Any person who has
2 received a civil investigative demand issued
3 under subsection (a) may file, in the district
4 court of the United States for the judicial dis-
5 trict within which such person resides, is found,
6 or transacts business, and serve upon the inves-
7 tigator identified in such demand a petition for
8 an order of the court to modify or set aside
9 such demand. In the case of a petition ad-
10 dressed to an express demand for any product
11 of discovery, a petition to modify or set aside
12 such demand may be brought only in the dis-
13 trict court of the United States for the judicial
14 district in which the proceeding in which such
15 discovery was obtained is or was last pending.
16 Any petition under this subparagraph must be
17 filed—

18 “(i) within 20 days after the date of
19 service of the civil investigative demand, or
20 at any time before the return date speci-
21 fied in the demand, whichever date is ear-
22 lier; or

23 “(ii) within such longer period as may
24 be prescribed in writing by any investigator
25 identified in the demand.

1 “(B) GROUNDS FOR RELIEF.—The petition
2 shall specify each ground upon which the peti-
3 tioner relies in seeking relief under subpara-
4 graph (A), and may be based upon any failure
5 of the demand to comply with the provisions of
6 this section or upon any constitutional or other
7 legal right or privilege of such person. During
8 the pendency of the petition in the court, the
9 court may stay, as it deems proper, the running
10 of the time allowed for compliance with the de-
11 mand, in whole or in part, except that the per-
12 son filing the petition shall comply with any
13 portions of the demand not sought to be modi-
14 fied or set aside.

15 “(3) PETITION TO MODIFY OR SET ASIDE DE-
16 MAND FOR PRODUCT OF DISCOVERY.—

17 “(A) IN GENERAL.—In the case of any
18 civil investigative demand issued under sub-
19 section (a) which is an express demand for any
20 product of discovery, the person from whom
21 such discovery was obtained may file, in the dis-
22 trict court of the United States for the judicial
23 district in which the proceeding in which such
24 discovery was obtained is or was last pending,
25 and serve upon any investigator identified in

1 the demand and upon the recipient of the de-
2 mand, a petition for an order of such court to
3 modify or set aside those portions of the de-
4 mand requiring production of any such product
5 of discovery. Any petition under this subpara-
6 graph must be filed—

7 “(i) within 20 days after the date of
8 service of the civil investigative demand, or
9 at any time before the return date speci-
10 fied in the demand, whichever date is ear-
11 lier; or

12 “(ii) within such longer period as may
13 be prescribed in writing by any investigator
14 identified in the demand.

15 “(B) GROUNDS FOR RELIEF.—The petition
16 shall specify each ground upon which the peti-
17 tioner relies in seeking relief under subpara-
18 graph (A), and may be based upon any failure
19 of the portions of the demand from which relief
20 is sought to comply with the provisions of this
21 section, or upon any constitutional or other
22 legal right or privilege of the petitioner. During
23 the pendency of the petition, the court may
24 stay, as it deems proper, compliance with the

1 demand and the running of the time allowed for
2 compliance with the demand.

3 “(4) PETITION TO REQUIRE PERFORMANCE BY
4 CUSTODIAN OF DUTIES.—At any time during which
5 any custodian is in custody or control of any docu-
6 mentary material or answers to interrogatories pro-
7 duced, or transcripts of oral testimony given, by any
8 person in compliance with any civil investigative de-
9 mand issued under subsection (a), such person, and
10 in the case of an express demand for any product of
11 discovery, the person from whom such discovery was
12 obtained, may file, in the district court of the United
13 States for the judicial district within which the office
14 of such custodian is situated, and serve upon such
15 custodian, a petition for an order of such court to
16 require the performance by the custodian of any
17 duty imposed upon the custodian by this section.

18 “(5) JURISDICTION.—Whenever any petition is
19 filed in any district court of the United States under
20 this subsection, such court shall have jurisdiction to
21 hear and determine the matter so presented, and to
22 enter such order or orders as may be required to
23 carry out the provisions of this section. Any final
24 order so entered shall be subject to appeal under
25 section 1291 of title 28, United States Code. Any

1 disobedience of any final order entered under this
2 section by any court shall be punished as a contempt
3 of the court.

4 “(6) APPLICABILITY OF FEDERAL RULES OF
5 CIVIL PROCEDURE.—The Federal Rules of Civil Pro-
6 cedure shall apply to any petition under this sub-
7 section, to the extent that such rules are not incon-
8 sistent with the provisions of this section.

9 “(l) DISCLOSURE EXEMPTION.—Any documentary
10 material, answers to written interrogatories, or oral testi-
11 mony provided under any civil investigative demand issued
12 under subsection (a) shall be exempt from disclosure
13 under section 552 of title 5, United States Code, as de-
14 scribed in subsection (b)(3) of such section.

15 “(m) DEFINITIONS.—In this section—

16 “(1) the term ‘custodian’ means the custodian,
17 or any deputy custodian, designated by the Attorney
18 General under subsection (j)(1);

19 “(2) the term ‘documentary material’ includes
20 the original or any copy of any book, record, report,
21 memorandum, paper, communication, tabulation,
22 chart, or other document, or data compilations
23 stored in or accessible through computer or other in-
24 formation retrieval systems, together with instruc-
25 tions and all other materials necessary to use or in-

1 interpret such data compilations, and any product of
2 discovery;

3 “(3) the term ‘investigation’ means any inquiry
4 conducted for the purpose of ascertaining whether
5 any person is or has been engaged in any violation
6 of this Act;

7 “(4) the term ‘investigator’ means any attorney
8 or investigator employed by the Department of Jus-
9 tice who is charged with the duty of enforcing or
10 carrying into effect this Act, or any officer or em-
11 ployee of the United States acting under the direc-
12 tion and supervision of such attorney or investigator
13 in connection with an investigation;

14 “(5) the term ‘official use’ means any use that
15 is consistent with the law, and the regulations and
16 policies of the Department of Justice, including use
17 in connection with internal Department of Justice
18 memoranda and reports; communications between
19 the Department of Justice and a Federal, State, or
20 local government agency, or a contractor of a Fed-
21 eral, State, or local government agency, undertaken
22 in furtherance of a Department of Justice investiga-
23 tion or prosecution of a case; oral examinations;
24 depositions; preparation for and response to civil dis-
25 covery requests; introduction into the record of a

1 case or proceeding; applications, motions, memo-
2 randa and briefs submitted to a court or other tri-
3 bunal; and communications with Government inves-
4 tigators, auditors, consultants and experts, the coun-
5 sel of other parties, arbitrators and mediators, con-
6 cerning an investigation, case or proceeding; and

7 “(6) the term ‘product of discovery’ includes—

8 “(A) the original or duplicate of any depo-
9 sition, interrogatory, document, thing, result of
10 the inspection of land or other property, exam-
11 ination, or admission, which is obtained by any
12 method of discovery in any judicial or adminis-
13 trative proceeding of an adversarial nature;

14 “(B) any digest, analysis, selection, com-
15 pilation, or derivation of any item listed in sub-
16 paragraph (A); and

17 “(C) any index or other manner of access
18 to any item listed in subparagraph (A).

19 “(n) SUNSET.—The authority of the Attorney Gen-
20 eral to issue a civil investigative demand under this section
21 shall expire upon the expiration of the 5-year period which
22 begins on the date of the enactment of this section.”.

1 **SEC. 206. FOREIGN AGENTS REGISTRATION CIVIL EN-**
2 **FORCEMENT.**

3 Section 8 of the Foreign Agents Registration Act of
4 1938 (22 U.S.C. 618) is amended by adding at the end
5 the following:

6 “(i) CIVIL ENFORCEMENT.—

7 “(1) CIVIL PENALTIES.—

8 “(A) REGISTRATION STATEMENTS.—

9 “(i) IN GENERAL.—Any person who is
10 required to register under this Act and
11 fails to file a timely or complete registra-
12 tion statement required under section 2(a)
13 shall be subject to a civil fine of not more
14 than \$10,000 for each violation, without
15 regard to the state of mind of the person.

16 “(ii) NO FINES PAID BY FOREIGN
17 PRINCIPALS.—If a person is subject to a
18 civil fine under clause (i), the civil fine
19 may not be paid, directly or indirectly, by
20 a foreign principal.

21 “(B) SUPPLEMENTS.—Any person who is
22 required to file a supplement to a registration
23 statement under section 2(b) and fails to file a
24 timely or complete supplement required under
25 that section shall be subject to a civil fine of

1 not more than \$1,000 for each violation, with-
2 out regard to the state of mind of the person.

3 “(C) FAILURE TO REMEDY DEFICIENT FIL-
4 INGS.—Any person who is required to file a reg-
5 istration statement under this Act, receives no-
6 tice under subsection (g) that the registration
7 statement filed by the person is deficient, and
8 knowingly fails to remedy the deficiency within
9 60 days after receiving the notice shall, upon
10 proof by a preponderance of the evidence of
11 such knowing failure to remedy the deficiency,
12 be subject to a civil fine of not more than
13 \$200,000, depending on the extent and gravity
14 of the violation.

15 “(D) OTHER VIOLATIONS.—Any person
16 who knowingly fails to comply with any other
17 provision of this Act shall, upon proof by a pre-
18 ponderance of the evidence of such knowing
19 failure to comply, be subject to a civil fine of
20 not more than \$200,000, depending on the ex-
21 tent and gravity of the violation.

22 “(2) USE OF FINES.—All fines collected under
23 this subsection shall be used to defray the cost of
24 enforcing this Act.”.

1 **SEC. 207. AUTHORIZING IMPOSITION AND COLLECTION OF**
2 **REGISTRATION FEES.**

3 (a) AUTHORIZATION.—The Foreign Agents Registra-
4 tion Act of 1938 (22 U.S.C. 611 et seq.), as amended by
5 section 205, is further amended by adding at the end the
6 following new section:

7 **“SEC. 16. FEES.**

8 “The Attorney General shall establish and collect a
9 registration fee, as part of the initial filing requirement
10 and at no other time, to help defray the expenses of the
11 Registration Unit, and shall credit such fees to this appro-
12 priation, to remain available until expended.”.

13 (b) CONFORMING AMENDMENT TO REPEAL EXIST-
14 ING AUTHORITY.—The Department of Justice and Re-
15 lated Agencies Appropriations Act, 1993 (title I of Public
16 Law 102–395) is amended, under the heading “SALARIES
17 AND EXPENSES, GENERAL LEGAL ACTIVITIES”, by striking
18 “In addition, notwithstanding 31 U.S.C. 3302, for fiscal
19 year 1993 and thereafter, the Attorney General shall es-
20 tablish and collect fees to recover necessary expenses of
21 the Registration Unit (to include salaries, supplies, equip-
22 ment and training) pursuant to the Foreign Agents Reg-
23 istration Act, and shall credit such fees to this appropria-
24 tion, to remain available until expended.”.

1 **SEC. 208. ESTABLISHMENT OF FARA INVESTIGATION AND**
2 **ENFORCEMENT UNIT WITHIN DEPARTMENT**
3 **OF JUSTICE.**

4 Section 8 of the Foreign Agents Registration Act of
5 1938, as amended (22 U.S.C. 618), as amended by section
6 206, is further amended by adding at the end the following
7 new subsection:

8 “(j) DEDICATED ENFORCEMENT UNIT.—

9 “(1) ESTABLISHMENT.—Not later than 180
10 days after the date of enactment of this subsection,
11 the Attorney General shall establish a unit within
12 the counterespionage section of the National Secu-
13 rity Division of the Department of Justice with re-
14 sponsibility for the enforcement of this Act.

15 “(2) POWERS.—The unit established under this
16 subsection is authorized to—

17 “(A) take appropriate legal action against
18 individuals suspected of violating this Act; and

19 “(B) coordinate any such legal action with
20 the United States Attorney for the relevant ju-
21 risdiction.

22 “(3) CONSULTATION.—In operating the unit es-
23 tablished under this subsection, the Attorney Gen-
24 eral shall, as appropriate, consult with the Director
25 of National Intelligence, the Secretary of Homeland
26 Security, and the Secretary of State.

1 “(4) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated to carry out
3 the activities of the unit established under this sub-
4 section \$10,000,000 for fiscal year 2021 and each
5 succeeding fiscal year.”.

6 **SEC. 209. COMPREHENSIVE STRATEGY TO IMPROVE EN-**
7 **FORCEMENT AND ADMINISTRATION.**

8 (a) IMPLEMENTATION OF STRATEGY.—Not later
9 than 120 days after the date of the enactment of this Act,
10 the Attorney General shall promulgate final regulations
11 for the implementation of a comprehensive strategy to im-
12 prove the enforcement and administration of the Foreign
13 Agents Registration Act of 1938 (22 U.S.C. 611 et seq.)
14 that addresses the following issues:

15 (1) The coordination and integration of the
16 work of the agencies that perform investigations of
17 alleged violations of the Act and bring actions (in-
18 cluding criminal prosecutions) to enforce the Act
19 with the overall national security efforts of the De-
20 partment of Justice.

21 (2) An assessment of the appropriateness of the
22 exemptions provided under the Act that permit per-
23 sons who represent the interests of foreign principals
24 to avoid registering under the Act.

1 (3) A formal cost-benefit analysis of the appro-
2 priateness of the fee structure under the Act.

3 (4) An assessment of the value of making advi-
4 sory opinions under the Act available in whole as an
5 informational resource.

6 (b) REVIEW BY INSPECTOR GENERAL; REPORTS TO
7 CONGRESS.—

8 (1) REVIEW.—The Inspector General of the De-
9 partment of Justice shall carry out a review of—

10 (A) the extent to which the Attorney Gen-
11 eral has implemented the comprehensive strat-
12 egy described in subsection (a); and

13 (B) the usage, effectiveness, and any po-
14 tential abuse of the authority granted to the At-
15 torney General by this Act to issue civil inves-
16 tigative demands.

17 (2) REPORTS TO CONGRESS.—The Inspector
18 General of the Department of Justice shall submit
19 a report to the appropriate committees of Congress
20 on the results of the review carried out under para-
21 graph (1) not later than 1 year after the date upon
22 which the comprehensive strategy described in sub-
23 section (a) is implemented by the Attorney General.

24 (c) ANNUAL REPORTS TO CONGRESS.—Not later
25 than 1 year after the date of the enactment of this Act,

1 and annually thereafter, the Attorney General, in con-
2 sultation with the Assistant Attorney General for National
3 Security, shall submit a report to the appropriate commit-
4 tees of Congress detailing the usage over the preceding
5 year of the authority granted to the Attorney General by
6 this Act and the amendments made by this title to issue
7 civil investigative demands, including—

8 (1) the number of civil investigative demands
9 issued;

10 (2) a description of the nature of the conduct
11 constituting the alleged violation of the Foreign
12 Agents Registration Act of 1938 (22 U.S.C. 611 et
13 seq.) which was under investigation and the provi-
14 sion alleged to be violated;

15 (3) a description of the nature of the documen-
16 tary materials, interrogatories, or oral testimony
17 sought by the civil investigative demand;

18 (4) the number of times the Attorney General
19 filed in a district court of the United States a peti-
20 tion for an order for the enforcement of a civil inves-
21 tigative demand and a detailed description of the cir-
22 cumstances that led the Attorney General to seek
23 such an order;

24 (5) a description of the results of civil investiga-
25 tive demands issued, including whether the Attorney

1 General subsequently filed charges for an alleged
2 violation of the Foreign Agents Registration Act of
3 1938 (22 U.S.C. 611 et seq.), regardless of whether
4 such charges were filed against the recipient of the
5 civil investigative demand or another legal entity or
6 natural person; and

7 (6) any other information regarding the use of
8 such authority that the Attorney General deems rel-
9 evant.

10 (d) ENSURING ELECTRONIC ACCESS TO REPORTS
11 THROUGH SEARCHABLE WEBSITE.—

12 (1) REPORT TO CONGRESS.—The Attorney
13 General, in consultation with the Assistant Attorney
14 General for National Security, shall include in the
15 second annual report submitted to the appropriate
16 committees of Congress under subsection (c) a de-
17 tailed description of methods to ensure that reports
18 filed under the Foreign Agents Registration Act are
19 filed electronically in a digitized format which will
20 enable the Foreign Agents Registration Unit website
21 database to be fully searchable, machine-readable,
22 sortable, and downloadable.

23 (2) IMPLEMENTATION.—After submitting the
24 report containing the information described in para-

1 graph (1), the Attorney General shall implement the
2 methods described in the report.

3 **SEC. 210. ANALYSIS BY GOVERNMENT ACCOUNTABILITY**
4 **OFFICE.**

5 Not later than 3 years after the date of enactment
6 of this Act, the Comptroller General of the United States
7 shall—

8 (1) carry out an analysis of the effectiveness of
9 the enforcement and administration of the Foreign
10 Agents Registration Act of 1938 (22 U.S.C. 611 et
11 seq.), including the extent to which the amendments
12 made by this title have improved the enforcement
13 and administration of such Act, and taking into ac-
14 count the comprehensive strategy developed and im-
15 plemented under section 207; and

16 (2) submit the analysis to the Attorney General,
17 the Inspector General of the Department of Justice,
18 and the appropriate committees of Congress.

19 **SEC. 211. DEFINITION.**

20 In this title, the term “appropriate committees of
21 Congress” means—

22 (1) the Committees on the Judiciary and For-
23 eign Relations of the Senate; and

24 (2) the Committee on the Judiciary of the
25 House of Representatives.

1 **SEC. 212. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 180 days after the date of the enactment of this Act.

○